

## **REMARKS**

### **Allowable Subject Matter**

Applicants' gratefully acknowledge the Examiner's indication that Claims 2, 9-12, 18, 19, 26-32 and 36-40 recite allowable subject matter.

### **Amendments**

Claims 1, 13-17 and 23-24 are amended to delete the bone remodeling disorders osteoarthritis and rheumatoid arthritis (with regards to claims 23-24 see, e.g., *In re Johnson et al.*, 194 USPQ 187 (Fed. Cir. 1977)). Claim 2 is amended to be in independent form. Claim 7 is amended to depend from new claim 48, rather than cancelled claim 6. Claim 10 is amended to depend from claim 2, rather than claim 9. Also, claim 10 is amended to recite lanthanum carbonate hydrate. See, e.g., page 12, lines 34-35. Claims 23-24 are amended to refer to lanthanum (III) compounds.

New claims 41 and 42 correspond to prior claims 5 and 6, which have been cancelled to clarify the amendments. See discussion below. New claims 43-55 are directed to further aspects of applicants' invention. These claims are supported throughout the disclosure. See, e.g., page 4, lines 11-30; page 12, lines 32-35; and the original claims.

Regarding new claim 55 which recites that the lanthanum compound is not a chelate, see, for example page 12, lines 32-33, and *In re Johnson et al.*, 194 USPQ 187 (Fed. Cir. 1977).

### **Rejections Under 35 USC §112, second paragraph**

Claims 5-7 and 34-35 are rejected as being allegedly indefinite. This rejection is respectfully traversed.

Claims 5 and 6 were previously amended to depend from claim 2 rather than claim 4. The "strikeout" to delete the "4" did not show through in the prior amendment because of the cross bar in the 4. To eliminate any possible confusion, claims 5 and 6 have been cancelled and replaced by new claims 41 and 42.

Claims 23 and 24 are amended to correct an obvious typographical error. These claims now each refer to lanthanum (III) compounds. Thus, claims 34 and 35 are properly dependent.

Withdrawal of the rejection is respectfully requested.

**Rejection Under 35 USC §102(b)/ §103 in view of Singh et al.**

Claims 1, 8, 13-17, 23 and 24 are rejected as being allegedly anticipated and/or obvious in view of the Singh et al. abstract. This rejection is respectfully traversed.

Firstly, it is noted that claim 8 depends from allowed claim 2, and thus should not be included in the rejection.

Singh et al. disclose the testing of La, Pr, Nd, Gd, and Dy complexes of pyridine-2,6-dicarboxylate (PDA), 8-hydroxy-quinoline (HQ), and 2-picolinic (PIC) in rats. The rats had carrageenin paw edema, cotton pellet granuloma or formaldehyde induced arthritis. The complex La(III)-PDA-HQ was found to "show some activity in subacute and chronic inflammation."

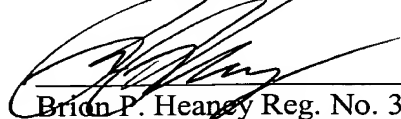
There is nothing within the rejection which supports the implicit assertion that formaldehyde induced arthritis is indicative of osteoarthritis or rheumatoid arthritis. Moreover, there is nothing that suggests that using a compound to treat the inflammation associated with formaldehyde induced arthritis would lead one to use that compound in the treatment of a bone disorder arthritis such as osteoarthritis or rheumatoid arthritis.

In any event, claims 1, 13-17 and 23-24 are amended to delete osteoarthritis and rheumatoid arthritis.

In view of the above remarks, it is respectfully submitted that Singh et al. fails to anticipate or render obvious applicants' claims 1, 8, 13-17, 23 and 24. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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